

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Cynthia A. Buzzelli	:	Case No. 21-21847-GLT
Debtor(s)	:	Chapter 13
Ronda J. Winnecour, Trustee	:	
Movant(s)	:	Related to Document 20
vs.	:	Hearing: 3/9/22 at 9:00 a.m.
Cynthia A. Buzzelli	:	
Respondent(s)	:	

CHAPTER 13 TRUSTEE'S OBJECTION TO  
SEPTEMBER 8, 2021 PLAN<sup>1</sup>

RONDA J. WINNECOUR ("Trustee") objects to the Plan for the following reasons:

THE PLAN IS IN DEFAULT

1. Debtor's Chapter 13 bankruptcy case was commenced August 19, 2021, and as of February 2022 is in month 6 of the plan.
2. Debtor's Chapter 13 Plan dated September 8, 2021 requires monthly plan payments in the amount of \$1,810.00.
3. As of the date of the within Objection, the Chapter 13 Trustee has received no plan payments.
4. Through February 2022 the amount of plan payment arrears totals \$9,050.00.
5. The Plan does not appear feasible based on: The lack of payments.

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<sup>1</sup> The burden of proof for an objection to confirmation of a Chapter 13 Plan is a shifting one. The party objecting to confirmation bears the initial burden of presenting some evidence to support the objection. *In re McKinney*, 507 B.R. 534, 539 (Bankr. W.D. Pa. 2014). Once the objecting party satisfies this initial burden, the burden shifts to the debtor, who always holds the ultimate burden of proof in the matter, to prove by a preponderance of the evidence that the plan complies with the requirements of 11 U.S.C. § 1325. *Id.*

6. Based on the payment/plan defaults the Trustee requests that confirmation of the Debtor's plan be denied and that Debtor's case be dismissed.

WHEREFORE, the Trustee respectfully requests that confirmation of the Debtor's plan dated September 8, 2021 be denied and that Debtor's case be dismissed.

RONDA J. WINNECOUR,  
CHAPTER 13 TRUSTEE

Date: February 25, 2022

By: /s/ James C. Warmbrodt  
James C. Warmbrodt, PA I.D. 42524  
Attorney for Chapter 13 Trustee  
US Steel Tower, Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
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CERTIFICATE OF SERVICE

I hereby certify that on the 25<sup>th</sup> of February 2022, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire  
Office of the United States Trustee  
Liberty Center, Suite 970  
1001 Liberty Avenue  
Pittsburgh, PA 15222-3721

Cynthia A. Buzzelli  
161 Laurie Drive  
Pittsburgh, PA 15235

Dennis M. Sloan, Esquire  
106 S. Main Street, Suite 305  
Butler, PA 16001

/s/ Rosa Richard  
Office of Chapter 13 Trustee  
U.S. Steel Tower – Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 471-5566  
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